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MAILED

JUL 19 2006

TECHNOLOGY CENTER 2100

In re Application of: Mordechai HAMMER :
Application No.: 08/894,211 :
Filed: July 30, 1997 : PETITION under 37 CFR §1.181
Attorney Docket #: 2036.018PCT : TO RESET PERIOD FOR REPLY
Title: EXTENSIBLE AND RETRACTABLE :
ELEMENTS AND VARIOUS USES FOR THE :
ELEMENTS :

This is a decision on the letter filed on May 24, 2006, requesting that the shortened statutory period for reply set forth in the Office communication mailed on April 11, 2006 be reset. The letter is being treated as a petition under 37 CFR § 1.181 to reset the period for reply.

The petition is **DISMISSED**.

In accordance with MPEP 710.06 (II):

The Office will grant a petition to restart the previously set period for reply to an Office action to run from the postmark date shown on the Office mailing envelope which contained the Office action when the following criteria are met:

- (A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address;
- (B) the reply period was for payment of the issue fee, or the reply period set was 1 month or 30 days; and
- (C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address (e.g., copy of the Office action having the date of receipt of the Office action at the correspondence address stamped thereon, etc.), (2) a copy of the envelope which contained the Office action showing the postmark date, and (3) a statement setting forth the date of receipt of the Office action at the correspondence address and stating that the Office action was received in the postmarked envelope.

The provisions of 37 CFR 1.8 and 1.10 apply to the filing of the above-noted petitions with regard to the requirement that the petition be filed within 2 weeks of the date of receipt of the Office action.

The showings outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been delayed after receipt rather than a conclusion that the Office action was delayed in the mail or in the Office.

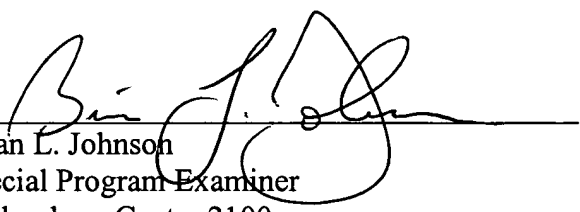
A review of the file record in the instant application confirms that the Office communication was mailed on April 11, 2006 to the official and current address of record, i.e. Mordechai Hammer, P.O. Box 6749, Ramat Gan, 52167 ISRAEL.

Petitioner provided a statement that the Office communication in question (Notice of Non-Compliant Amendment (37 CFR 1.121) was not received at the correspondence address of record until May 15, 2006. In addition, an apparent copy of the mailing envelope used by the Office was provided (page 3 of attachment to petition) as well as a copy of two postmark stamps (page 4 of attachment to petition).

The evidence provided fails to meet criteria (C) (1) & (2) set forth above. The copy of the mailing envelope provided (page 3 of attachment) does not include the correspondence address provided thereon, as required. In addition, the postmark thereon is illegible. Further, the only legible postmark (page 4 of attachment, May 15, 2006) does not appear to be associated with either the mailing envelope or the Office action, as is required.

Therefore, the evidence submitted has not overcome the presumption of timely receipt. Accordingly, The petition is **DISMISSED**.

If petitioner desires further review of this decision, petitioner should file a Request for Reconsideration within two (2) months of the mailing date of this decision (including the additional evidence as discussed above).



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